

01-02-02

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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 29853/37706

 JCE78 U.S. PTO  
 12/27/01  
 10/033491  
 10/03/01

## CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Box Patent Application  
 Commissioner for Patents  
 Washington, D.C. 20231

Sir:

This is a request under 37 CFR 1.53 for filing a

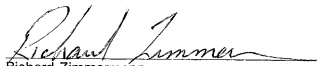
- ☒ continuation application.  
☐ divisional application.

## 1. Particulars of Prior Application

Application Serial No: 09/556,570  
 Filed on: April 24, 2000  
 Title: An Improved Method for the Production and Purification of Adenoviral Vectors  
 Art Unit: 1641  
 Prior Docket No.: 29853/37403

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **December 27, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. E1126944699US.

  
 Richard Zimmermann

2. This request is filed by:

1. Full Name of Inventor	Family Name Zhang	First Given Name Shuyan	Second Given Name
Residence & Citizenship	City Sugarland	State or Foreign Country Texas	Country of Citizenship China
Post Office Address	Post Office Address 3027 Orchard Gate	City Sugarland	State & Zip Code/Country Texas, 77479 USA
2. Full Name of Inventor	Family Name Thwin	First Given Name Capucine	Second Given Name
Residence & Citizenship	City Spring	State or Foreign Country Texas	Country of Citizenship United States
Post Office Address	Post Office Address 9018 Herts Road	City Spring	State & Zip Code/Country Texas, 77379 USA
3. Full Name of Inventor	Family Name Wu	First Given Name Zheng	Second Given Name
Residence & Citizenship	City Sugarland	State or Foreign Country Texas	Country of Citizenship China
Post Office Address	Post Office Address 2930 Cotton Stock	City Sugarland	State & Zip Code/Country Texas, 77479 USA

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

4. Full Name of Inventor	Family Name Cho	First Given Name Toohyon	Second Given Name
Residence & Citizenship	City Houston	State or Foreign Country Texas	Country of Citizenship
Post Office Address	Post Office Address 847 Yorkchester #102	City Houston	State & Zip Code/Country Texas, USA

**3. Amendments**

- ☒ Amend the specification by inserting before the first line the sentence:  
 --This is a **continuation** of U.S. application Serial No. 09/556,570, filed April 24, 2000, which is a continuation of U.S. application Serial No. 08/975,519, filed November 20, 1997, which claims benefit of U.S. provisional application Serial No. 60/031, 329, filed November 20, 1996.--
- ☒ Cancel claims 1-69 in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

**4. Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

**5. Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**6. Priority**

- ☐ Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC 119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- ☐ The certified copy(ies) has(have) not been filed.

**7. Assignment**

- ☒ The prior application is assigned of record to Introgen Therapeutics, Inc., and has been recorded at Reel No. 9220, Frame No. 0173.

**8. Small Entity Status**

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A small entity statement is(are) attached.

**9. Application to Be Published**

- ☐ Yes.
- ☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

**10. Fee Calculation**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$370.00		\$740.00
TOTAL	157 -20	= 137	X 9 =	\$	X 18 =	\$2466.00
INDEP.	5 - 3	= 2	X 42 =	\$	X 84 =	\$168.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 140 =	\$	+ 280 =	\$0
Filing Fee:				\$	<b>OR</b>	\$3374.00

**11. Method of Payment of Fees**

- ☒ Attached is a check in the amount of: \$3374.00
- ☐ Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.

**12. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this



Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

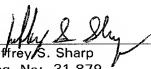
13. Correspondence Address

Customer No.: 04743

Respectfully submitted,

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233 South Wacker Drive  
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(312) 474-6300  
(312) 474-0448 (Telefacsimile)

By:

  
Jeffrey S. Sharp  
Reg. No: 31,879

December 27, 2001